THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3891 OF 2007

DATED 01st MARCH, 2007

Between

Nagasarapu Ananta Venkata Satyanarayana

... Petitioner

AND

The Commissioner of Endowments, Boggulakunta, Tilak Road, Abids, Hyderabad and others.

.... Respondents

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ORDER:

The petitioner alleges that his father is the founder of Sri Vigneswara Swamy Temple, to which an extent of Acs.6.00 of land in D.No.14 in Lingamguntla Mandal of Narasaraopet Mandal in Guntur District was donated. He is aggrieved by the proceedings of the first respondent, dated 13.12.2006, whereunder the Executive Officer of the temple was permitted to sell the land by tender-cum-public auction duly following the Rules. He seeks invalidation of the said proceedings.

A perusal of the impugned order would show that the Executive Officer of the temple sought permission from the first respondent to sell the lands in tender-cum-public auction under 80(1)(b) of the A.P.Charitable and Hindu Religious Institutions and Endowments Act, 1987 (the Act, for brevity). The same was recommended by the Assistant Commissioner. The Commissioner then published the proposals inviting objections. The notice was also published in the newspapers and as no objections were received, the impugned proceedings were issued.

Learned counsel for the petitioner contends that the petitioner being the son of the founder of the temple is entitled to file objections and that the first respondent is bound to consider such objections.

Secondly, he submits that the second respondent sent the proposals for alienation of the temple land at the behest of some vested disgruntled elements because the land has a good market value. **Opposing** the writ petition, learned Assistant Government Pleader for Endowments submits that the sale of land of third respondent is subject to confirmation of the first respondent, and therefore, at this stage, the same cannot be challenged. Secondly, she submits that against the order of the Commissioner permitting Executive Officer to sell the land, the founder has an effective alternative remedy by way of Appeal under sub-section (5) of Section 80 of the Act to the Government.

Learned counsel for the petitioner does not dispute that the petitioner has an effective alternative remedy to file an Appeal before the Government and raise all objections. Therefore, without expressing any opinion on the merits of the case or merits of the contentions raised by the petitioner, liberty is given to the petitioner to prefer an Appeal before the Government of Andhra Pradesh against impugned proceedings. As and when such Appeal is filed, the first respondent may consider the objections of the petitioner in accordance with law. In this writ petition, at this stage, this Court is not inclined to grant any relief.

The writ petition is accordingly disposed of. No costs.

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(V.V.S.RAO,J)

01.03.2007.
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